THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 26th day of December,2007

W.P.No.17318 of 1999

Between:-

Ch. Saibabu … Petitioner

and

The Hon'ble Labour Court-II,
Hyderabad, rep. by Presiding
Officer and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.17318 of 1999

ORAL ORDER:

This Writ Petition is filed challenging the Award dated 22-8-1998 made in I.D.No.92 of 1994 on the file of Labour Court-II, Hyderabad.

Petitioner is workman. Respondent No.2 is Management.

It appears, petitioner was appointed as a Conductor in Andhra Pradesh State Road Transport Corporation and was attached to Nirmal Bus Depot in the month of March,1981. After a span of three months, he was transferred to Adilabad Depot. In 1984, he was transferred from Adilabad Depot to Nizamabad Depot and in 1985 he was transferred from Nizamabad Depot to Bodhan Depot. While that being so, on 6-3-1987, he was served with a charge sheet stating that he had produced a false caste certificate stating that he belongs to Scheduled Caste (Mala) community, though he belongs to 'Kamma' caste to secure a job in APSRTC etc. After conducting a detailed enquiry into the matter, he was dismissed from service on 25-5-1987. The appeal filed by him before the appellate authority was also rejected. Therefore, he raised a dispute under Section 2-A(2) of the Industrial Disputes Act,1947, which was numbered as I.D.92 of 1994 on the file of Labour Court-II, Hyderabad.

The Management filed a counter before the Labour Court denying the allegations made by the petitioner and asserting that during the preliminary enquiry, petitioner confessed that he had produced a false caste certificate and, therefore, the Enquiry Officer

found the petitioner guilty of the charges. Basing upon the Enquiry Officer's report and other material, petitioner was dismissed from service by the disciplinary authority, which was affirmed by the appellate authority. Before the Labour Court, petitioner filed a memo not disputing the domestic enquiry conducted by the Management. Therefore, the Labour Court posted the matter for arguments. Petitioner did not adduce any evidence, either oral or documentary. Whereas, on behalf of the Management, though none were examined, documents Exs.M1 to M6 were marked. After a detailed consideration of the entire material placed before it, Labour Court came to the conclusion that the charges framed against the petitioner were proved. Further, it was noticed that the petitioner was recruited under a special selection for recruitment of Scheduled Caste and Scheduled Tribe candidates and he had produced a false caste certificate. Therefore, the punishment of dismissal from service cannot be said to be disproportionate to that of the misconduct proved against the petitioner and he is not entitled for any relief; thus, no relief was granted by the Labour Court. Aggrieved by the same, the present Writ Petition is filed.

It is the contention of the learned counsel for the petitioner that no enquiry was conducted and the petitioner was never put on notice as to the falsity of the certificate produced by him. It appears, some enquiry was conducted by the Mandal Revenue Officer and the Sub-Collector concerned, and they gave a report saying that the caste certificate produced by the petitioner was a fake one and in fact, their enquiries in the village also revealed that the petitioner belongs to 'Kamma' caste and not S.C.; therefore, the certificate produced by the petitioner was a fake one. For all these, there is no basis before the Enquiry Officer or before the Labour Court. As such, the dismissal order passed by the disciplinary authority as confirmed by the

appellate authority and the Award passed by the Labour Court are liable to be set aside.

Whereas, learned counsel appearing for the 2nd respondent supported the Award made by the Labour Court and stated that this is not a case of false caste declaration and this is a case of fake certificate produced by the petitioner and to that extent, the Mandal Revenue Officer has enquired in the village and found that the petitioner has produced a fake certificate, apart from the fact that in the enquiry conducted by them, it is revealed that the petitioner does not belong to S.C. community. As such, the Labour Court rightly refused to interfere with the dismissal order passed by the respondent-Management and the Writ Petition is devoid of any merit and is liable to be dismissed.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned Award and other material made available on record.

As submitted by the learned counsel for the 2nd respondent that this is a case of production of a fake caste certificate. The Mandal Revenue Officer, apart from verifying his own records, made enquiries in the village and found that there is no such certificate issued by them and the petitioner does not belong to S.C. and he belongs to 'Kamma' community and in fact, it was admitted by his family members. The learned counsel for the petitioner strenuously contended that in a case of this nature, unless and until an enquiry is conducted and the certificate is cancelled, action ought not to have been initiated by the Management cannot be countenanced, in view of the evidence placed on record under Ex.M6 before this Court. A perusal of Ex.M6 reveals that the caste certificate said to have been issued in favour of the petitioner was false and this fact was admitted by the petitioner

himself. The caste certificates issued in favour of the petitioner and others were, in fact, cancelled by an Order dated 27-1-1987. Petitioner has not made any efforts to challenge the said cancellation of caste certificate. Under these circumstances, I am of the opinion that no case has been made out by the petitioner to interfere with the Award passed by the Labour Court. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

26-12-2007

prk